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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,502	01/11/2005	Tomoaki Ito	00682P00720US	1986
7590 01/29/2007 John S Mortimer Wood Phillips Katz Clark & Mortimer 500 West Madison Street Suite 3800 Chicago, IL 60661-2511			EXAMINER HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/521,502

Applicant(s)

ITO ET AL.

Examiner

Louis K. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-18 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/9/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of group I, claims 1-11 and 19, in the reply filed on 12/21/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 12-18 and 20-22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/21/2006.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Claim 1, line 14: "in the thickness direction" is indefinite because it is unclear as to which direction applicant is referring.
  - Claim 1, line 16: "in this state" is indefinite because it is unclear as to what state applicant is referring.
  - Claim 1, line 17: "the wrapping material of the front end face" lacks proper antecedent basis.

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- Claim 10 is indefinite for it is unclear as to whether the side face heater of claim 10 is the same as the side face heater of claim 2. In the case they are different, then it lacks proper antecedent basis in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayward (US 2,081,626).

- With respect to claim 1, Hayward discloses a wrapping machine that meets all of applicant's claimed subject matter; in particular, the wrapping machine comprises: a mounting table (2) supporting an article (1), a movable folder (13) for folding a top flap (10) of a wrapping material (5), and a heat sealing plate (18); wherein the mounting table (2) has a bottom step (12) for folding a bottom flap (11) of the wrapping material (5) upward, the movable folder (13) has a top step (angled end) and movable toward the mounting table (2) to fold the top flap (10) downward, and the heat sealing plate (18) moves to a sealing position between the top step of the movable folder (13) and the bottom step (12) of the mounting table (2) to seal the top flap (10) to the bottom flap (11).
- With respect to claim 2, it is understood that the wrapping machine of Hayward further includes: an interfolding member (8), a second heat sealing plate opposite

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to the heat sealing plate (18) for sealing wrapping material (5) on the opposite end of the article (1); wherein the article (1) slides past the interfolding (8) to form a side flap (9), and the heat sealing plates are provided downstream of the interfolding member (8).

- With respect to claim 3, the mounting table (2) has a surface that is capable of being slightly slanted relative to the horizontal.
- With respect to claim 4, the wrapping machine of Hayward further includes a lower movable support (3).
- With respect to claim 5, the lower movable support (3) has a projection (4) that is adapted to fold the wrapping material (5) to form a side flap (7).
- With respect to claim 6, the wrapping machine of Hayward further includes an upper movable portion (4) with a projection (3), wherein the projection (3) is adapted to fold a rear portion of the wrapping material (5) to form a side flap (61).
- With respect to claim 9, the interfolding member (8) has a slot that is slanted relative to the sliding direction of the article (1).
- With respect to claim 10, the machine of Hayward includes a second heat sealing plate opposite to the heat sealing plate (18) for sealing wrapping material (5) on the opposite end of the article (1).
- With respect to claim 11, it is understood that the mounting table (2) of the wrapping machine of Hayward further includes a second bottom step that is opposite to the bottom step (12) and is located at opposite end of the article (1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward (US 2,081,626) in view of Kupcikevicius et al. (US 5,149,943).

The wrapping machine of Hayward meets all of applicant's claimed subject matter but lacks the specific teaching of the heat sealing plate being constituted by an elastic material of cylindrical shape and a heating element embedded in the elastic material. however, heat sealer being constituted by an elastic material of cylindrical shape and a heating element embedded in the elastic material is old and well known in the art and is disclosed in the reference to Kupcikevicius. Therefore it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the wrapping machine of Hayward by having provided the heat sealer constituted by an elastic material of cylindrical shape and a heating element embedded in the elastic material, as taught by Kupcikevicius, in order to heat seal the wrapping material since such type of heat sealer is old and well known in the art.

***Allowable Subject Matter***

9. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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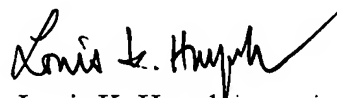
*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Louis K. Huynh  
Primary Examiner  
Art Unit 3721

January 22, 2007